

DETAILED ACTION

1. This action is responsive to the communication filed 03/04/2008. Claims 16, 18-24, 26 and 28-39 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 16-24 and 37** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims may be directed towards software only, which is functional descriptive material, which *per se* is not statutory.

Exemplary Claim 16 is directed towards an apparatus which may be directed towards software not implemented on a computer-readable medium. Furthermore, since Applicant claims an apparatus that appears to only comprise code (logic), it is unclear what Applicant intends to claim as the invention. Examiner suggests amending the claim language to recite hardware elements or the such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 16, 18-24, 26 and 28-39** are rejected under 35 U.S.C. 102(c) as being unpatentable over Haggerty et al. (U.S. Patent No. 6,331,983 B1, hereinafter Haggerty) in view of Srivastava (US Patent No. 6,684,331 B1).

As per claim 16, Haggerty discloses the invention substantially as claimed. Haggerty discloses an apparatus for processing data at a node in a data network, wherein the data network connects a plurality of nodes and at least a portion of the plurality of the nodes form a multicast group apparatus comprising: a data store that stores a plurality of entries associated with the multicast group (**Haggerty: Abstract, col. 7, lines 53-59, col. 8, lines 4-16**), wherein each identifies a source that published the entry (**Haggerty: col. 20, lines 59-67 and col. 8, lines 12-16**); logic that disseminates the plurality of entries to members of the multicast group (**Haggerty: col. 8, lines 4-16**); logic that receives, from a node that is not a member of the multicast group, a request to run a query (**Haggerty: col. 14, lines 29-36**), wherein the query specifies matching criteria (**Haggerty: col. 8, lines 17-26**); logic that runs the query against the entries in the data store (**Haggerty: col. 8, lines 57-67**); logic that disseminates one or more entries that satisfy the

matching criteria to the node that is not a member of the multicast group (**Haggerty: col. 8, lines 57-67 and col. 22, lines 12-28**).

Haggerty does not explicitly disclose logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous⁴ node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast group.

However, Srivastava teaches logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast group (**col. 3, lines 8-15, where the rendezvous node is represented by the group controller (GC and wherein the reference specifically states that the controller has the responsibility for distributing, creating, and updating the multicast group, see Also Figure 9 and and Figure 10c and Figure 1)**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Haggerty's teachings to the teachings of Srivastava, for the purpose of "establish[ing] secure communication...to regulate the exchange of [messages]." (**col. 3, lines 4-9**).

As per claim 18, Haggerty-Srivastava teaches apparatus further comprising logic that adds a first entry to the plurality of entries in the data store in response to a request from a first node to add the first entry (**Haggerty: col. 7, line 53-59**).

As per claim 19, Haggerty-Srivastava teaches an apparatus wherein the logic that adds a first entry to the plurality of entries further automatically disseminates the first entry to the

plurality of the nodes that form the multicast group in response to the request from the first node to add the first entry to the plurality of entries (**Haggerty: col. 8, lines 27-37**).

As per claim 20, Haggerty-Srivastava teaches an apparatus further comprising logic that deletes a first entry of the plurality of entries in the data store in response to a request from a first node to relinquish the first entry (**Haggerty: col. 18, lines 12-17**).

As per claim 21, Haggerty-Srivastava teaches an apparatus further comprising logic indicates, to the plurality of the nodes that form the multicast group, that the first entry has been relinquished, wherein the indication is in response to the request from the first node to relinquish the first entry (**Haggerty: col. 18, lines 12-17**).

As per claim 22, Haggerty-Srivastava teaches an apparatus wherein the source that published the entry is not a member of the multicast group (**Haggerty: col. 14, lines 31-36 and col. 8, lines 12-16**).

As per claim 23, Haggerty-Srivastava teaches an apparatus wherein the source that published the entry is a member of the multicast group (**Haggerty: col. 8, lines 12-16**).

As per claim 24, Haggerty-Srivastava teaches an apparatus wherein each entry is associated with a priority that specifies its delivery priority relative to other entries (**Haggerty: col. 17, lines 30-38**).

As per claim 26, claim 26 is substantially the same as claim 1 and is thus rejected using similar rationale.

As per claim 28-34, claims 28-35 lists all the same elements of claims 18-24, but in method form rather than apparatus form. Therefore, the supporting rationale of the rejection to claims 18-24 applies equally as well to claims 28-35. Furthermore regarding, asynchronously

notifying the particular node of a modification to a first entry; wherein the asynchronously notifying the particular node is performed in response to the source that published the first entry modifying the first entry (**Haggerty: col. 28, lines 60-65**).

As per claim 36, claim 36 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1.

As per claims 37-39, Haggerty-Srivastava teaches wherein the plurality of entries to members of the multicast group comprises updates to data stores associated with nodes that are not members of the multicast group (**Srivastava: Figure 10D, item 1058**).

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

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JMC

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

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